

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Improving Communications Services for)	CG Docket No. 11-41
)	
Native Nations)	
)	

COMMENTS

of the

Southern California Tribal Digital Village

I. INTRODUCTION

The Southern California Tribal Digital Village (“TDV”) hereby submits these comments in response to the Notice of Inquiry (NOI).

TDV is a division of the Southern California Tribal Chairmen’s Association (“SCTCA”) a 501(c)3 multi-service non-profit consortium established in 1972 of 19 federally-recognized Indian tribes located in Southern California. The primary mission of SCTCA is to serve the health, welfare, safety, education, cultural, economic and employment needs of its tribal members and enrolled Indians in the San Diego County urban areas. A board of directors comprised of tribal chairpersons from each of its member Tribes governs SCTCA.

SCTCA coordinates and administers numerous grant programs for its members and the southern California Indian community, including: Tribal Temporary Assistance to Needy Families(TANF), Law Enforcement, Food

Commodities, Information Technology Services, Rincon Community Day Care, Adult Vocational Training, Career Development Center, Low Income Home Energy Assistance Program(LIHEAP), the Library Program, Child Care Development Services, Tribal Digital Village (TDV) and Resource Prevention Program.

TDV currently provides broadband network services to 17 tribes in Southern California, including E-Rate subsidy for 15 tribal libraries, 7 Head Start programs, and 2 Tribal Schools. TDV also provides WISP services to the homes on 5 reservations (a total of 260 homes have been connected) and is building out services to the remainder of the 19 reservations (a total of 2700 homes) of the member tribes of SCTCA. These comments are the concerns of TDV and SCTCA.

II. COMMENTS

When speaking of “tribes,” “tribal organizations,” and “tribal consortiums,” it is all inclusive of Native American Tribes in the lower 48, Alaska Native Corporations, and Hawaiian Homelands.

OFFICE OF NATIVE AFFAIRS AND POLICY (ONAP)

Tribes have fought long and hard to get this office at the FCC. We are very proud of the establishment of the office with staff poised to make a difference with communications in Indian Country. However, the FCC has not completed all of the necessary requirements to make a difference moving

forward, the final issue is proper funding/budget. Without the proper funding, the ONAP will NOT be able to make the difference that is required to solve the communications issues in the indigenous communities of the United States of America. Tribes from the very beginning of existence have communicated with a predominately oral tradition and face-to-face meetings to resolve issues and find solutions for the future of their people. If the ONAP does not have budget to meet with these indigenous communities and see the conditions on the ground, in person, the office will fail to make the impact that the FCC was striving for when it created and staffed ONAP. ONAP is going to be one of the FCC's biggest successes if the office can get sufficiently funded to keep the relations required to support these communities. We are very grateful for the staff that has been allocated to the ONAP, and the creation and appointments to the Native Nations Broadband Task Force (NNBTF). There have already been valuable developments in moving toward solving the communications problems of tribal lands, and connecting the tribal people. It is extremely important that the FCC follow thru with the proper budget to allow the ONAP to perform the valuable functions that it has already begun.

NATIVE NATIONS PRIORITY:

We believe that there should be a creation of a tribal priority for all communications, similar to the radio spectrum application priority. Every communication aspect from spectrum allocations in both unlicensed, and licensed frequencies, fixed point-to-point and broadcast, to funding

opportunities, i.e. – Creation of a Tribal Connect Broadband Fund completely separate, but simultaneous to the Connect America Fund efforts.

TDV believes that tribes should be classified as “unserved” and “underserved” communities, and that definition should be allocated to them based on their lack of services, not based on their rural designation by some mileage determination or proximity to townships. If the service stops at the tribal boundary, then the tribe does not have access to that service. This classification restricts tribes from receiving funding with the current funding distribution channels. There will definitely need to be a new funding channel for Tribal Specific funds, avoiding state regulations and certifications will be a imperative key to success. Our Government to Government relationship lies with the Fed, and the state more often than not, has little or no relationship with individual tribes. “Tribal” success is not “State” success when communications or funding is concerned, it is seen as competition.

NATIVE NATIONS BROADBAND FUND

After the stimulus funding for broadband failed to effectively fund extremely relevant and valuable tribal applications, it is very apparent that there needs to be a Native Nations Broadband Fund, Conditions on tribal lands are dismal in relation to communications. With less than 10% of Tribes having access to broadband service, they are the demographic that needs to receive support in acquiring this resource. This will also allow tribes to solve the other

unacceptable statistic, that less than 70% of tribal residents have plain old telephone service (pots), with new technologies utilizing broadband...

NATIVE NATIONS ADOPTION AND UTILIZATION

... When tribes have access to broadband, it has been shown, that they are early adopters and they excel in utilization. Tribal lands are located where barriers exist in every day life for communications, and broadband access affords the ability to overcome many of these communications barriers. They are strong adopters of communication services like Skype (MSoft), iChat (Apple), MMS services (texting), and social networking, Facebook, etc. for IM services. Many of the community members that have adopted broadband have been quick adapters to the off the shelf VoIP products for phone services.

ETC DESIGNATIONS AND CERTIFICATIONS

In the case that tribes are providing communication services to themselves, and/or a tribal consortium has worked together to provide communication services such as broadband, the FCC should help these tribal organizations and tribes navigate and obtain an ETC certification to be eligible to receive funding from the National Broadband Plan and a Tribal Connect fund, as is required for Universal Service Funds (USF). Several tribes and tribal organizations provide broadband access to their communities where no other providers are interested, or even available. These organizations don't typically

provide “pots,” but are the carrier of last resort for their communities and should benefit from any tribal allocated funds from USF. This funding can help expand service to the tribal communities and increase the opportunities to improve life on tribal lands.

CONSULTATION AND COORDINATION WITH NATIVE NATIONS

It is going to be extremely important moving forward in the deployment of the National Broadband Plan that in ALL situations where communications deployment in any way comes in contact with, or should come in contact with tribal lands and communities, that the tribal governments should be included in consultation and coordination. Tribes have a very good understanding of what services and support will be important to the future of their community. They have been without basic services for so long that they have most of the solution requirements mapped out in plans that have been developed to connect their people. They at the very least have the demographics of their own lands and know the obstacles that lie ahead for a potential provider. Providers can no longer assume that they know what is best. They have failed thus far to support tribal communities in basic services that are promised to all Americans. It is time for them to consult and coordinate with the Native Nations and solve the problems that are inherent on tribal communities. The solution, to this lack of communication from providers, may just be the FCC facilitating such coordination efforts from the appropriate bureaus and departments through the Office of Native Affairs and Policy as a conduit to

the tribes. This will show corporations that are deploying broadband and communications strategies that there is a new protocol, and it must be followed to deploy when tribal communities are involved. That communication should require providers to establish best practices for deployment of services to the tribal community and the needs of the community. That consultation should be required to be prior to any build-out and to be ongoing throughout the process of deployment. That consultation should require reporting to the tribal government what accomplishments were made and the status of the deployment.

III. CONCLUSION

In conclusion, TDV recognizes the Commission's interest in continuing its long-standing relationship with tribal governments and applauds the support of tribes, in technology and access to communication resources and reminds the commission of the commitment to help tribes "seeking to promote self-sufficiency and economic development, as well as providing adequate access to Communications Services."¹

List of Comments in recap;

1. To properly fund the Office of Native Affairs and Policy.
2. To create a tribal priority that spans the breadth and depth of communications, not excluding tribes on any issue and including tribes into every issue.

¹ *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078, 4080-81 (2000) ("*Tribal Policy Statement*").

3. To designate funding for a Tribal Broadband Fund, separate from the Connect America Fund.
 4. To recognize the value of broadband to Native nations and their people.
 5. To assist in the acquisition of ETC designation and certification of tribal providers.
 6. To require consultation and coordination from providers that plan to service tribal communities, with a restriction that there must be tribal government consultation prior to build-out and that this consultation should be ongoing throughout the deployment.
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Southern California Tribal Digital Village (TDV), a division of SCTCA

Matthew R. Rantanen, Director

35008 Pala Temecula Rd., PMB 44

Pala, CA 92059